**Assembly Bill No. 110**

CHAPTER 69

An act to amend Section 48916.1 of, and to repeal Sections 42103.3 and 56137 of, the Education Code, and to repeal Section 628.4 of the Penal Code, relating to public education.

[Approved by Governor July 18, 2005. Filed with
Secretary of State July 18, 2005.]

AB 110, Ruskin. Public education: reporting requirements.

Existing law requires the Superintendent of Public Instruction and the Commission on Teacher Credentialing to compile certain reports relating to various matters involving pupils.

This bill would provide the intent of the Legislature with regard to these reports. The bill would delete certain reporting requirements contained in existing law, and would modify procedures that apply to data collection relating to pupil expulsions.

*The people of the State of California do enact as follows:*

SECTION 1.  It is the intent of the Legislature to accomplish all of the following:

(a) Promote good data management practices with respect to education data.

(b) Support the efforts of the State Department of Education to minimize data redundancy, maximize data value, and reduce the reporting burden on local educational agencies by:

(1) Referring to the department's Data Resource Guide prior to collecting data in order to determine if the data sought is already collected.

(2) Utilizing the preferred variation for data elements referenced in the department's common data architecture.

(3) Allowing data collection to occur within windows specified by the Superintendent of Public Instruction.

(c) Providing sufficient lead time for local educational agencies and the department to collect new data elements within existing collection procedures.

SEC. 2.  Section 42103.3 of the Education Code is repealed.

SEC. 3.  Section 48916.1 of the Education Code is amended to read:

48916.1. (a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. Except for pupils expelled pursuant to

subdivision (d) of Section 48915, the governing board of a school district is required to implement the provisions of this section only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

(b) Notwithstanding any other provision of law, any educational program provided pursuant to subdivision (a) may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools.

(c) Any educational program provided pursuant to subdivision (b) may not be situated within or on the grounds of the school from which the pupil was expelled.

(d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.

(e) (1) Each school district shall maintain the following data:

(A) The number of pupils recommended for expulsion.

(B) The grounds for each recommended expulsion.

(C) Whether the pupil was subsequently expelled.

(D) Whether the expulsion order was suspended.

(E) The type of referral made after the expulsion.

(F) The disposition of the pupil after the end of the period of expulsion.

(2) The Superintendent may require a school district to report this data as part of the coordinated compliance review. If a school district does not report outcome data as required by this subdivision, the Superintendent may not apportion any further money to the school district pursuant to Section 48664 until the school district is in compliance with this subdivision. Before withholding the apportionment of funds to a school district pursuant to this subdivision, the Superintendent shall give written notice to the governing board of the school district that the school district has failed to report the data required by paragraph (1) and that the school district has 30 calendar days from the date of the written notice of noncompliance to report the requested data and thereby avoid the withholding of the apportionment of funds.

(f) If the county superintendent of schools is unable for any reason to serve the expelled pupils of a school district within the county, the governing board of that school district may enter into an agreement with a county superintendent of schools in another county to provide education services for the district's expelled pupils.

SEC. 4.  Section 56137 of the Education Code is repealed.

SEC. 5.  Section 628.4 of the Penal Code is repealed.

O